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OP 1645  
PTO/SB/29 (8/98)

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## CONTINUED PROSECUTION APPLICATION (CPA)

### REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing  
(only for Continuation or Divisional applications under 37 CFR § 1.53(d))

H178/22/00  
TOMAY

Address to:	Attorney Docket No.	481112.410
Box CPA	First Named Inventor	James B. Dale
Assistant Commissioner for Patents	Examiner Name	Li Lee, M.D., Ph.D.
Washington, DC 20231	Group / Art Unit	1645
	Express Mail Label No	EL427912801US

This is a request for a  continuation or  divisional application under 37 CFR § 1.53(d).

(continued prosecution application (CPA)) of prior application number 09/151,409

filed on September 10, 1998, entitled GROUP A STREPTOCOCCAL VACCINES

#### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. § 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. § 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a)

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is being filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior non-provisional application: \_\_\_\_\_
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

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(1) For	(2) Number filed	(3) Number extra	(4) Rat	(5) Calculations
Basic Fee				\$
Total Claims	- 20' =		X \$	= \$
Independent Claims	- 3" =		X \$	= \$
Multiple Dependent Claims (if applicable) (37 CFR § 1.16(d))			\$	+ \$
Petition for an Extension of Time Fee (3 months) (Small Entity)				\$ 435.00
<b>TOTAL FILING FEE</b>				<b>\$ 435.00</b>
<i>*Reissue claims in excess of 20 and over original patent.</i>				
<i>"Reissue independent claims over original patent.</i>				

## 6. Small Entity Status:

- a.  A small entity statement is enclosed, if (b) and (c) do not apply.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

## 7. The Assistant Commissioner is hereby authorized to credit overpayments or charge the following fees or insufficiencies in the following fees to Deposit Account No. 19-1090.

- a.  Fees Required Under 37 CFR § 1.16.
- b.  Fees Required Under 37 CFR § 1.17.
- c.  Fees Required Under 37 CFR § 1.18.

8.  A check in the amount of \$ 435.00 is enclosed.9.  Other: Return Receipt PostcardCertificate of Express MailPetition for an Extension of Time Under 37 C.F.R. § 1.136(a) (+ 2 copies)Revocation of General Authorization Under 37 C.F.R. § 1.136(a)(3)Appointment of Associate Power of AttorneyNOTE:

The prior application's correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below.

## 10. CORRESPONDENCE ADDRESS

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Respectfully submitted,

SIGNATURE Gary M. MylesDate August 14, 2000TYPED or PRINTED NAME Gary M. Myles, Ph.D.REGISTRATION NO. 46,209